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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,560

09/15/2003

Mario Meggiolan

CAM3-PT048

4498

3624

7590

08/03/2006

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EXAMINER

STORMER, RUSSELL D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,560	Applicant(s) MEGGIOLAN ET AL.	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 37-56 and 59-63 is/are pending in the application.
- 4a) Of the above claim(s) 11, 24, 47 and 49-51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-27 and 59-63 is/are allowed.
- 6) ☒ Claim(s) 37-46, 48 and 53-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Restriction

1. Claims 11, 24, 47, 49, 50, and 51 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 37-44, 46, 48, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altenburger in view of Schwinn.

See the embodiment of figures 6-10 of Altenburger.

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As shown in figure 6, the rim has rim sides and a base joining zone that joins opposed rim sides, and a plurality of seats formed from openings in the base joining zone.

As shown in figures 6 and 7, the outer portions of the anchor elements 32 transversely contact the sides of the rim. The anchor elements may be oriented in one of two directions 180 degrees apart. Spoke nipples or attachment elements 31 engage the anchor elements on a contact face. See figures 8 and 10.

The rim sides and the base joining zone of Altenburger form a generally rounded shape in which the rim sides and the base joining zone are not distinctly defined.

Schwinn teaches a rim for a bicycle comprising an outer rim having a base and a pair of sides, and an inner bridge extending across the rim. The outer rim may have a shape that is rounded as shown in figure 7, or may take a shape in which the rim sides and the base are more pronounced, such as shown in figures 2-6 and 8.

From the teaching of Schwinn it would have been obvious to form the rim of Altenburger with more defined rim sides and a base joining zone as an obvious mechanical expedient. The function of the rim of Altenburger would not be changed.

With respect to claims 48 and 53-56, the method of assembling the plate and attachment elements would have been obvious to those of ordinary skill in the art based on the structure of the parts.

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4. Claims 45 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altenburger as modified by Schwinn, and further in view of Japanese document 60-38201

To provide a gasket around the spoke attachment elements to seal the rim is well-known and would have been obvious as taught by Japanese '201 in order to allow a tubeless tire to be mounted on the rim, or to prevent water and foreign material from entering the rim.

Allowable Subject Matter

5. Claims 1-27 and 59-63 are allowable over the prior art of record.

Response to Arguments

6. Applicant's arguments filed May 22, 2006 have been fully considered but they are not persuasive.

With respect to claims 37 and 48, Applicants argue that the anchor element of Altenburger cannot be rotated 180 degrees; and if they are, they are not effective. Applicants refer to figure 10 in support of this reasoning.

While it might appear from figure 10 that an individual element 32 cannot be rotated 180 degrees and still orient its respective spoke in the correct direction, all of the elements 32 could be rotated 180 degrees and still orient the spokes in the proper sequence. In other words, the elements are capable of "effectively engaging the seats

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(of the rim) in one of two orientations 180 degrees from each other" as set forth in the claims. The fact that the elements of Altenburger are not symmetrical is not relevant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8/1/06


RUSSELL D. STORMER
PRIMARY EXAMINER
8/1/06